

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KEITH M. COLE

§

VS.

§ CIVIL ACTION NO. 1:20-CV-15

BOBBY LUMPKIN, ET AL.

§

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Keith M. Cole, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, brought this civil rights action pursuant to the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc, against Bobby Lumpkin, Bryan Collier, the Texas Department of Criminal Justice (TDCJ), and Mary Gilder.

The Court referred this matter to a United States Magistrate Judge for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends granting Defendants' Motion for Summary Judgment.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, filed pursuant to such order, along with the record and the pleadings. Plaintiff filed objections to the report and recommendation.

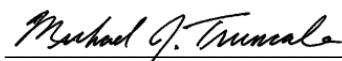
The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the Court concludes that Plaintiff's objections lack merit. Defendants demonstrated that TDCJ's food service policies further a compelling interest in controlling costs, and

the policies are the least restrictive means to advance those interests. Thus, Defendants are entitled to summary judgment.

ORDER

Accordingly, Plaintiff's objections [Dkt. 52] are OVERRULED. The findings of fact and the conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge [Dkt. 50] is ADOPTED. Defendants' Motion for Summary Judgment [Dkt. 38] is GRANTED. A final judgment will be entered in accordance with this order.

SIGNED this 24th day of March, 2023.



Michael J. Truncale
United States District Judge